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PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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FEB 23 2004

APPLICANT : ALLARD et al.  
SERIAL NO : 09/446,711  
FILED : April 3, 2000  
TITLE : METHOD FOR IMPROVING THE FREEZING TOLERANCE OF PLANTS

Grp./A.U. : 1638  
Examiner : Collins, Cynthia E.  
Conf. No. : 2785  
Docket No. : P04334US00

**AMENDMENT**

Mail Stop Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Madam:

In response to the Office Action dated September 23, 2003, please amend the above-identified application as follows:

**Introductory Comments**

Claims 1-4, 9-14, 16-22, 24, 38 and 39 are currently pending in the present application

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**CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this correspondence is, on the date shown below, being:

**MAILING**

☐ deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Mail Stop Non-Fee Amendment, Alexandria, VA 22313-1450.

Date: February 23, 2004**FACSIMILE**

☒ transmitted by facsimile to the Patent and Trademark Office, Art Unit 1638 at Fax No. (703) 308-4242.

  
Heidi S. Nebel

synergistic effect from the combination of betaines and cold acclimation. It would not be obvious to one skilled in the art that a significant synergistic increase in freezing tolerance would be obtained from the claimed method.

### III. Conclusion

In light of the above amendments and remarks, Applicants respectfully assert that claims 1-4, 9-14, 16-22, 24, 38, 39 and 40 are now in condition for allowance. Applicants respectfully request reconsideration and withdrawal of the above rejections. If it is felt that it would aid in prosecution, the Examiner is invited to contact the undersigned at the number indicated to discuss any outstanding issues.

This is a request to extend the period for filing a response in the above-identified application for two months from December 23, 2003 to February 23, 2004. Applicant is a small entity; therefore, please charge Deposit Account number 26-0084 in the amount of \$210.00 for one month to cover the cost of the extension. Any deficiency or overpayment should be charged or credited to Deposit Account 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



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